IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS SHERMAN DIVISION

BILLIE GARBER,	§
Plaintiff,	§
	§
v.	§
	§ CIVIL ACTION NO. 4:11-CV-732
THE BANK OF NEW YORK MELLON	§
F/K/A THE BANK OF NEW YORK,	§
AS TRUSTEE FOR THE CERTIFICATE	§
HOLDERS OF CWALT, INC.	§
ALTERNATIVE LOAN TRUST	§
2005-86CB MORTGAGE PASS	§
THROUGH CERTIFICATES SERIES	§
2005-86CB, AND BANK OF	§
AMERICA, N.A.	§
Defendants.	§

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On April 4, 2012, the report of the Magistrate Judge was entered containing proposed findings of fact and a recommendation that Plaintiff's Motion to Remand (Dkt. 7) be DENIED.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the court. Therefore, Plaintiff's Motion to Remand (Dkt. 7) is DENIED and the case shall proceed in this court.

IT IS SO ORDERED.

SIGNED this the 28th day of September, 2012.

RICHARD A. SCHELL

UNITED STATES DISTRICT JUDGE